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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Confirmation No.: 7420

Dean, *et al.*

Serial No.: 09/403,539

Group Art Unit: 1635

Filing Date: October 22, 1999

Examiner: J. Zara

For: **OLIGONUCLEOTIDES FOR ENHANCED BIOAVAILABILITY**

I, Emma R. Dailey, Registration No. 48,491 certify that this correspondence is being deposited with the U.S. Postal Service as First Class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

On July 16, 2002

Emma R. Dailey Reg. No. 48,491

Petitions Branch  
Assistant Commissioner for Patents  
Washington, DC 20231

**PETITION TO ACCORD FILING DATE FOR NATIONAL  
PHASE APPLICATION FILED UNDER 35 U.S.C. 371(c) and 37 C.F.R. 1.495**

1. This is a petition to accord the above-identified National Phase Application a filing date of **January 4, 2000**, which is the date on which the last of the 35 U.S.C. 371(c) requirements was received by the Patent Office. (See Exhibit A, a true and correct copy of the Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495).

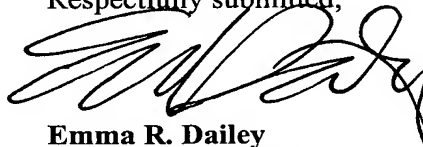
2. The Filing Receipt and each Office Action of record accords an October 22, 1999 filing date, which reflects the date on which the a copy of the International Application was transmitted to the International Bureau. (See Exhibit B, a true and correct copy of the Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US) Concerning a Filing under 35 U.S.C. 371 sent by Express Mail, and a Copy of the Express Mail Label).
3. *MPEP* § 1895.01(A) states, "the date which appears in the 'filing date' box . . . is the date on which the requirements of 35 U.S.C. 371(c) were complied with." Accordingly there is an apparent discrepancy between the filing date listed on the Official Filing Receipt and the date on the Notification of Acceptance, which Applicants believe is the correct filing date.
4. Applicants respectfully request that a filing date of January 4, 2000, be accorded to the above-referenced patent application.
5. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:
  - ☐ Enclosed please a check in the amount of \$130.00.
  - ☒ Please charge Deposit Account No. 23-3050 in the amount of \$130.00.
  - ☐ Please charge Deposit Account No. 23-3050 for any fee deficiency, or credit this account for any overpayment for this petition.

**REQUEST FOR REFUND OF PETITION FEE**

6. ☒ As the error was on the part of the Patent Office, a refund of the petition fee submitted herewith is respectfully requested

A duplicate of this petition is enclosed.

Respectfully submitted,



**Emma R. Dailey**  
Registration No. 48,491

Date: July 16, 2002

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8 2001 WW



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

BW

09/403539  
U.S. APPLICATION NO. 09/403,539  
FIRST NAMED APPLICANT DEAN  
ATTY. DOCKET NO. N  
3013

INTERNATIONAL APPLICATION NO. PCT/US98/08798

5611  
PAUL K LEGAARD  
WOODCOCK WASHBURN KURTZ MACKIEWICZ  
ONE LIBERTY PLACE  
46 FLOOR  
PHILADELPHIA PA 19103

I.A. FILING DATE 04/30/98  
PRIORITY DATE 04/30/97

DATE MAILED: 01/31/00

NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371  
AND 37 CFR 1.494 OR 1.495

1. The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as ☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.
2. The United States Application Number assigned to the application is shown above and the relevant dates are:

04 Jan 00  
35 U.S.C. 102(e) DATE

04 Jan 00  
DATE OF RECEIPT OF  
35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371(C) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

3. ☒ A request for immediate examination under 35 U.S.C. 371(f) was received on 22 Oct 99 and the application will be examined in turn.

4. The following items have been received:

- ☒ U.S. Basic National Fee.  
☒ Copy of the international application in:  
☐ a non-English language.  
☒ English.  
☐ Translation of the international application into English.  
☒ Oath or Declaration of inventor(s) for DO/EO/US.  
☐ Copy of Article 19 amendments. ☐ Translation of Article 19 amendments into English.  
The Article 19 amendments ☐ have ☐ have not been entered.  
☐ The International Preliminary Examination Report in English and its Annexes, if any.  
☐ Copy of the Annexes to the International Preliminary Examination Report (IPER).  
☐ Translation of Annexes to the IPER into English.  
The Annexes ☐ have ☐ have not been entered.  
☐ Preliminary amendment(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Information Disclosure Statement(s) filed \_\_\_\_\_ and \_\_\_\_\_.  
☐ Assignment document.  
☒ Power of Attorney and/or Change of Address.  
☐ Substitute specification filed \_\_\_\_\_.  
☒ Statement Claiming Small Entity Status.  
☐ Priority Document.  
☒ Copy of the International Search Report ☐ and copies of the references cited therein.  
☐ Other:

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FEB 04 2000

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Philadelphia, PA 19103

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

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FORM PCT/DO/EO/903 (December 1997)

PB